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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,170	10/30/2001	Louis B. Rosenberg	IMMR-0027B	1999

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IMMERSION -THELEN REID BROWN RAYSMAN & STEINER LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640

EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/004,170	Applicant(s) ROSENBERG ET AL.	
	Examiner Jeffery A. Brier	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53,55,56,61,66 and 69-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53,55,56,61,66 and 69-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/01/2007 has been entered.

Response to Amendment

2. The amendment filed on 3/01/2007 has been entered. The amendments to the claims overcome the 35 USC 101 rejection and overcome most of the 35 USC 112 second paragraph issues with the exception of the issue noted regarding claims 70, 80, and 87 at page 7 of the 9/26/2006 Final Rejection. The amendments to the claims do introduce new 112 second paragraph issues due to the broadening of the claims which are set forth below. The amendments to the independent claims also cause lack of antecedent basis issues in some of the dependent claims which are set forth below.

Response to Arguments

3. Applicants arguments in view of the claim amendments overcomes the 35 USC 101 rejection and overcomes most of the 35 USC 112 second paragraph issues.
4. The pending claims need to have an additional step that clearly claims a selective disturbance filter because the prior art of record teaches filtering the input data or sensor data continuously. See the Voyles article cited in the 11/19/2003 office action and discussed at page 10 of the 11/19/2003 office action, Fung, US Patent No. 5,116,180, cited in the 7/08/2002 office action, see figure 5 filter 126, and Radke, US Patent No. 5,223,776, cited in the 7/08/2002 office action, see figure 2 filter 14. In view of the supreme court decision KSR Int'l Co. v. Teleflex, Inc., No 04-1350 (US Apr. 30, 2007) a prior art haptic feedback system that continuously filters the input data or sensor data is combinable in a haptic feedback system that controls a graphical object in a graphical environment to teach in combination continuously filtering the input data or sensor data to control a graphical object in a graphical environment.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 53, 55, 56, 61, 66, and 69-101 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 53, 55, 56, and 61:

The claims have been broadened such that it is not clear if the filtering is only performed when haptic feedback affects the input data or the sensor data or if the filtering is performed on all input data and sensor data all the time. The specification at page 24 line 18 to page 25 line 25 clearly describes the filtering is selective and page 33 line 1 to page 36 line 32 describes the necessary steps needed to implement a selective disturbance filter. Thus, the claims are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claims 79, 86, and 93:

In their respective parent claims "a graphical object" is claimed, thus, in each of these claims "a graphical object" does not clearly refer to the previously claimed "a graphical object" or establish a new "a graphical object".

Claim 79:

In this claim's parent claim "associated graphical" was deleted, thus, "the associated graphical environment" lacks antecedent basis in the claim.

Claims 85, 92, and 99:

In their respective parent claims "a graphical object" is claimed, thus, in each of these claims "a graphical object" does not clearly refer to the previously claimed "a graphical object" or establish a new "a graphical object".

Claim 99:

In this claim's parent claim "associated graphical" was deleted, thus, "the associated graphical environment" lacks antecedent basis in the claim.

Claims 94, 95, 96, 99 and 96:

In their respective parent claims "input data" was deleted, thus, "the input data is performed by a processor" lacks antecedent basis in the claim. It should be noted in their respective parent claims "senor data" is filtered.

Claims 70, 80, 87, and 94:


These claims claim sending the input data to a processor, now, due to the claim amendments to their respective parent claims it is not certain whether applicant is claiming the input data is being sent to a processor after or before filtering the input data.

7. A prior art rejection cannot be made because the metes and bounds of the claims are not definite and because the specification does not clarify the claims. Thus, an indication of allowability would be premature. In re Steele, 305 F.2d 859,134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-

7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffery A Brier
Primary Examiner
Division 2628